

(e) Notwithstanding the requirements of subsections (a) and (d), above, the civil service commission may, by order, find that an average of a lesser number of hours of productive effort is equivalent to an average of 40 hours per week on an annually adjusted basis for any classifications or positions of employees authorized for task system assignment, if their department director demonstrates to the commission each of the following:

- (1) That the employees are required by virtue of the nature of their work to perform strenuous and continuing physical labor without an opportunity for the rest periods which are usually afforded to employees in other classifications;
- (2) That no practicable means exist to restructure the employees' work assignments to provide such rest periods; and
- (3) That the work tasks assigned to the employees will require a productive effort which is equivalent to not less than 40 hours of work as performed by other city employees who are assigned to labor under the normal working conditions associated with city employment.

Employees who are authorized to perform a reduced workweek pursuant to this section shall, nevertheless, not be subject to overtime benefits in any workweek unless and until all of the requirements of section 14-168 of the City Code, specifically including the requirements of subsection (e) thereof have been met. The designation of any position or classification of task system employees as equivalent workweek employees shall not impair their right to civil service classification under subsection (c) above. Consistent with the nature of the work to be performed, the commission shall establish minimum time in attendance work hour requirements, which shall in no event be less than 32 hours per week, for payroll reporting purposes as to each position or classification of task system employment which is authorized to perform an equivalent workweek under this subsection.

(Code 1968, § 12-28; Ord. No. 83-1760, § 1(1), 10-26-83; Ord. No. 84-969, § 1, 6-20-84; Ord. No. 05-91, § 1, 1-25-05)

**Secs. 14-29—14-32. Reserved.**

**DIVISION 2. RULE 2. COMMISSION AND  
DIRECTOR GENERALLY; PURPOSE, ETC.,  
OF RULES\***

**Sec. 14-33. Appointment of commission.**

There shall be a civil service commission duly installed and to operate under the provisions of section 1, article Va of the City Charter.  
(Code 1968, § 12-33)

**Sec. 14-34. Purposes of rules.**

These rules are adopted to conform with provisions of article Va of the City Charter and shall be known as the civil service rules for employees of the city (other than firemen and policemen), adopted for the purpose of establishing procedures for handling those matters which are the responsibility of the civil service commission in such a way as to insure:

- (1) That all appointments and promotions to, and separations from, positions in the classified service shall be on the sole basis of merit and fitness, which, so far as is practicable, shall be ascertained by means of competitive examinations which may be either written, oral or unassembled.
- (2) That a plan of classification and fair compensation for positions therein shall be adopted which will conform with the principle of like pay for like work.
- (3) That employment in the service of the city shall be made attractive as a career.
- (4) That each civil service employee shall be encouraged to render his best service in compliance with all of the provisions of his employment.
- (5) That a modern, comprehensive efficiency rating system shall be provided whereby economy and effectiveness in personal ser-

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\***Cross reference**—Boards, commissions and authorities generally, § 2-316 et seq.

vices may be promoted to the mutual benefit of the employees and the taxpayers.

(Code 1968, § 12-34)

#### **Sec. 14-35. Application of rules.**

These rules shall apply to all positions in the classified service, except those as otherwise provided for in section 2 of article Va.

(Code 1968, § 12-35)

#### **Sec. 14-36. Adoption and publication of rules.**

Civil service rules, when adopted by the commission and approved by the council, shall be effective but shall also be published in some newspaper in the city (section 4, article Va). Insertion of such notice in a single issue of a Houston newspaper of general circulation shall be treated as being in compliance with this requirement.

(Code 1968, § 12-36)

#### **Sec. 14-37. General powers and duties of the commission.**

(a) In accordance with the provisions of sections 2 and 4 of article Va, the commission shall have the power to amend, repeal or supplement these rules at any time and adopt new rules which shall become effective upon approval thereof, by the city council.

(b) The commission shall, in cooperation with the mayor and city council, develop job descriptions and qualifications, and recommend to the council a compensation plan of properly related scales of pay for all classes of positions.

(c) The commission shall, in cooperation with the mayor and city council, develop regulations covering vacations, sick leaves, leaves without pay, injury leaves, and other leaves, which will take effect when approved by the council.

(d) The commission shall develop a system of efficiency ratings and administer same for employees in the classified service.

(e) The commission shall develop and enforce a code of rules and regulations which, being based upon merit, efficiency, production, character and conduct, will provide for appointments and employment in all positions of the classified service; for reduction in forces; for the order in which employees shall be laid off and reinstated, and for appeals from dismissals, demotions and suspensions.

(f) The commission shall direct the administration and enforcement of the civil service rules and regulations and ordinances which affect the civil service commission. Should the civil service commission have reason to believe any officer, board, commissioner or person concerned with appointment, layoff, demotion, suspension, discharge or promotion, has abused such power by executing or recommending any action in violation of the civil service rules and regulations or ordinances or Charter provisions covering civil service, it shall be the duty of the commission to make an investigation and, if violation of the provision or spirit and intent of the law or rules and regulations is found, the commission shall make a report thereof to the mayor and city council and recommend appropriate action.

(g) The commission shall order reinstatement without loss of pay for any employee who has been discharged, demoted, reduced in rank or compensation or transferred for religious, racial or political reasons.

(h) The commission shall order reinstatement without loss of pay for any employee in the classified service who has been discharged, demoted, reduced in rank or compensation in any instance where, following a hearing, the commission finds as a fact that such discharge, demotion, reduction in rank or compensation was not affected in a manner consistent with these rules and regulations.

(Code 1968, § 12-37)

#### **Sec. 14-38. Duties of director.**

The duties of the director shall be:

- (1) To recommend for action by the civil service commission rules and regulations for